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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,591	04/14/2004	Sean Andre Rockarts	9-2993-518US	6217
32292 7590 05/10/2007 OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA			EXAMINER NGUYEN, NINH H	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,591	<b>Applicant(s)</b> ROCKARTS ET AL.	
	<b>Examiner</b> Ninh H. Nguyen	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 20 is/are rejected.
- 7) ☒ Claim(s) 15 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 and 26 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The abstract of the disclosure is objected to because non-enablement. The disclosure does not provide support for the amended claim 12 wherein the at least one weight element is configured to permit the at least one weight element to be attached to the member only (emphasis added) from a forward side of the member.

### ***Claim Rejections - 35 USC § 112***

4. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not positively disclose the at least one weight element to be attached to the member only from a forward side of the member as claimed.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9, 20, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, there is a lack of antecedent basis for the limitation "the round plate on lines 3-4 of the claim. Claims 2-9 and 20 are indefinite as being dependent on claim 1.

In claim 12, there is a lack of antecedent basis for the limitation "the at least one weight element" on lines 2 and 3 of the claim. Applicant should consider changing the limitation into --the at least one balancing weight element-- to avoid indefiniteness.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 10, and 12-14, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. (2,421,514).

Martin discloses an apparatus (Figs. 1-20) comprising: a plate 38 (Figs. 1, 4, 9) defining a first group of holes (for bolts 58 in Fig. 1) axially extending therethrough, the plate being co-axially attached to the shaft at a forward end of the shaft (Fig. 1); a nose cone 40 mounted to the

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plate; and at least one standard fastener 58 engaging only the plate, the at least one standard fastener engaging the plate through at least one of the holes in the first group to thereby add an asymmetric balancing weight to the plate relative to a rotational axis of the shaft while the at least one fastener 58 is added first to the plate during assembling of the plate;

wherein the plate further comprises a mounting system 64 (Fig. 1) independent of the first group of holes for mounting a nose cone to the plate;

wherein the mounting system 64 comprises a second group of holes axially extending through the plate for receiving mounting bolts (Fig. 1);

wherein the plate comprises a position element 66 (Fig. 1) on a rearward surface thereof for co-axially aligning the nose cone with the shaft.

Claim 8 is treated as a product by process claim wherein the final product comprising one screw added to the plate. When the very first bolt 58 is installed on plate 38, Martin anticipates claim 8.

Regarding claims 10, and 12-14, Martin discloses an apparatus for an aircraft engine (Figs. 1-20) comprising a nose cone 40 (Fig. 1) of the aircraft engine; at least one balance weight element 356, 358 (Figs. 4, 9); a member 38 (Figs. 1, 4) centrally mounted to a forward end of a rotatable shaft of the aircraft engine, the member including a mounting apparatus 64 mounting the nose cone to the member and the member further including a balancing apparatus distinct from the mounting apparatus, the balancing apparatus 178 (Fig. 9) of the member retaining the at least one balancing weight element to the member independently of the nose cone while the nose cone is mounted to the member;

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wherein the at least one weight balancing element is configured to permit the at least one weight element to be attached to the member only from a forward side of the member (Fig. 4);

wherein the nose cone and the mounting apparatus 64 are configured to permit the nose cone to be mounted to the member 38 from a forward side of the member and cover the at least one balance weight element (Fig. 1); and

wherein the member 38 comprises a first positioning element 66 (Fig. 1) to align the member with the shaft for the central mounting of the member to the shaft.

#### ***Allowable Subject Matter***

9. Claims 16-19 are allowed.

10. Claims 4, 6, 7, 8, 9, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).

  
NINH H. NGUYEN  
PRIMARY EXAMINER

Nhn  
May 8, 2007